

## **REMARKS**

In response to the Office Action dated August 14, 2009, Applicants respectfully request reconsideration.

### **35 U.S.C. § 112 Rejections**

Claims 30, and 32-34 stand rejected under 35 U.S.C. § 112, ¶ 1 for failing to comply with the written description requirement. Specifically, the Examiner objects to the inclusion of a computer readable storage medium in claims 30 and 32-34.

Applicants note that the present disclosure includes a discussion about a subscriber identity module (SIM). *See e.g.*, p. 6, 1<sup>st</sup> full ¶. A SIM includes a computer readable storage medium that is readable by a processor. Indeed, the present disclosure also discusses that the SIM includes computer executable instructions that are used to cause a processor to carry out predetermined functions (e.g., the specification discusses that the instructions on the SIM are used to run an operator-specific algorithm that is used as part of the authentication process). *Id.* Thus, for least these reasons, claims 30, and 32-34 comply with 35 U.S.C. § 112.

Claims 19, 20, 41, and 42 stand rejected under 35 U.S.C. § 112, ¶ 2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner points out that claims 19, 20, 41, and 42 depend from a canceled claim. Claims 19, 20, 41, and 42 are amended herein. Applicants respectfully assert that amended claims 19, 20, 41, and 42 are proper, and comply with 35 U.S.C. § 112, ¶ 2.

### **35 U.S.C. § 103 rejections**

Claims 1-5, 12, 13, 15, 16, 19-22, 26-30, 33-34, 37, 41-43, and 47-49 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Pub. No. 2002/0034935 (Bjelland) in view of U.S. Patent Pub. No. 2003/0056096 (Albert). Bjelland in view of Albert does not teach, disclose, suggest, or make obvious the systems and methods of claims 1-5, 12, 13, 15, 16, 19-22, 26-30, 32-34, 37, 41-43, and 47-49.

The Examiner points to paragraphs 14, 15, and 16 of Bjelland to reject each of the

independent claims in the present application. None of paragraphs 14, 15, and 16 of Bjelland, however, discuss the use of first and second networks that are distinct, or discuss that a gateway in the second network is chosen to connect to the first network.

Paragraph 14 of Bjelland discusses a GPRS attach process that includes four steps. First, a mobile terminal requests that it be attached to the network. Second, authentication is made between the terminal and an SGSN. Third, subscriber data from the HLR is inserted into the SGSN. Fourth, information is passed to the terminal that indicates the terminal is attached to the network.

Furthermore, paragraphs 15 and 16 of Bjelland discuss the activation of a PDP context. The activation of a PDP context includes a series of messages to and from various components of a GPRS network. All of the messages described in paragraphs 15 and 16 of Bjelland, however, are within the GPRS network and do not extend to the external PDN. For example, according to the last sentence of paragraph 16, communication with an external PDN can only commence once acknowledgment of the PDP context activation is returned from the GPRS network to the MS. Thus, even if it is assumed, *arguendo*, that the GPRS network and external PDN are the same thing as the first and second networks recited in the claims, the cited portions of Bjelland still do not disclose that any portion of the external PDN selects a gateway to connect to the GPRS network (i.e., since no communication can even take place with the external PDN until after the PDP context has been activated).

Furthermore, Albert does not make up for the deficiencies noted above with respect to Bjelland. Nor, does the Examiner assert as much.

In contrast to Bjelland and Albert, claim 1 recites “selecting, using the authentication server, a gateway in the second network to connect to the first network” and “wherein the first and second networks are distinct.” Thus, for least these reasons claim 1 is patentable over Bjelland in view of Albert, whether taken alone, or in combination.

Claims 2-5, which depend from claim 1, are patentable for least the same reasons discussed above with respect to claim 1.

In contrast to Bjelland and Albert, claim 12 recites “wherein the processor is configured to select a gateway in the second network to connect to the first network” and

“first and second distinct networks.” Thus, for least these reasons claim 12 is patentable over Bjelland in view of Albert, whether taken alone, or in combination.

Claims 13, 15-16 and 19-20, which depend from claim 12, are patentable for least the same reasons discussed above with respect to claim 12.

In contrast to Bjelland and Albert, claim 21 recites “wherein the processor is configured to select a gateway in the second network to connect to the first network” and “first and second distinct networks.” Thus, for least these reasons claim 21 is patentable over Bjelland in view of Albert, whether taken alone, or in combination.

Claims 22 and 26, which depend from claim 21, are patentable for least the same reasons discussed above with respect to claim 21.

In contrast to Bjelland and Albert, claim 27 recites “wherein the authentication server is configured to select a gateway in the second network to connect to the first network” and “wherein the first and second networks are distinct.” Thus, for least these reasons claim 27 is patentable over Bjelland in view of Albert, whether taken alone, or in combination.

In contrast to Bjelland and Albert, claim 28 recites “selecting, using the processor coupled to the second network, a gateway in the second network to connect to the first network” and “wherein the first and second networks are distinct.” Thus, for least these reasons claim 28 is patentable over Bjelland in view of Albert, whether taken alone, or in combination.

Claims 37, 41-43, and 47 which depend from claim 28, are patentable for least the same reasons discussed above with respect to claim 28.

In contrast to Bjelland and Albert, claim 29 recites “selecting a gateway in the second network to connect to the first network” and “wherein the first and second networks are distinct.” Thus, for least these reasons claim 29 is patentable over Bjelland in view of Albert, whether taken alone, or in combination.

In contrast to Bjelland and Albert, claim 30 recites “using the service selection information to select a gateway in the second network to connect to the first network” and “wherein the first and second networks are distinct.” Thus, for least these reasons claim 30 is patentable over Bjelland in view of Albert, whether taken alone, or in combination.

In contrast to Bjelland and Albert, claim 33 recites “selecting a gateway in the second network to connect to the first network, wherein the first and second networks are distinct.” Thus, for least these reasons claim 33 is patentable over Bjelland in view of Albert, whether taken alone, or in combination.

In contrast to Bjelland and Albert, claim 34 recites “selecting a gateway in the second network to connect to the first network” and “wherein the first and second networks are distinct.” Thus, for least these reasons claim 30 is patentable over Bjelland in view of Albert, whether taken alone, or in combination.

In contrast to Bjelland and Albert, claim 48 recites “selecting a gateway in the second network to connect to the first network” and “wherein the first and second networks are distinct.” Thus, for least these reasons claim 48 is patentable over Bjelland in view of Albert, whether taken alone, or in combination.

In contrast to Bjelland and Albert, claim 49 recites “wherein the authentication message is used by the second network to select a gateway in the second network to connect to the first network” and “wherein the first and second networks are distinct.” Thus, for least these reasons claim 49 is patentable over Bjelland in view of Albert, whether taken alone, or in combination.

Claims 6, 7, 14, 23, 24, 38, 44, and 45 stand rejected under 35 U.S.C. § 103(a) in view of Bjelland in view of the so-called Applicants’ description of the prior art in view of Albert in further view of U.S. Pat. Pub. No. 2003/0139180 (McIntosh). The Examiner does not assert that McIntosh, nor the Applicants’ description of the prior art makes up for the deficiencies noted above with respect to the respective independent claims from which dependent claims 6, 7, 14, 23, 24, 38, 44, and 45 depend. Thus, dependent claims 6, 7, 14, 23, 24, 38, 44, and 45 are patentable for at least the same reasons discussed above with respect to the respective independent claims.

Claim 8-11, 17-18, 25, 31-32, 35-36, 39-40, and 46 have been canceled. Thus, any rejection of these claim is now moot.

## **Conclusion**

It is believed that all the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claims does not necessarily signify concession of unpatentability of the claim prior to its amendment or prior claims. By the foregoing amendments, discussion and remarks, Applicants submit that this Application is now in condition for allowance and respectfully request action to this effect. Should the Examiner have any questions with regard to this response, the Examiner is invited to call the undersigned.

The Director is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account 50-0311, Reference No.39700-766N01US. The Director is further authorized to charge any required fee(s) under 37 C.F.R. §§ 1.19, 1.20, and 1.21 to the abovementioned Deposit Account.

Respectfully submitted,

/Kyle Turley/

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